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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 66/86, summarizes the report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara in the period from 1 July 2011 to 30 June 2012.

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1. The present report, covering the period from 1 July 2011 to 30 June 2012, is submitted in accordance with paragraph 7 of General Assembly resolution 66/86 on the question of Western Sahara.

2. Pursuant to Security Council resolution 1979 (2011) of 27 April 2011, I submitted a report dated 5 April 2012 to the Security Council on the situation concerning Western Sahara (S/2012/197). In that report I informed the Council of the activities of my Personal Envoy to promote negotiations on Western Sahara and of the existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

3. The period from 1 July 2011 to 30 June 2012 witnessed developments in the region related to the emergence of the Arab Spring. Triggered by unrest linked to unemployment, poverty and corruption, the movement expanded into wider claims for respect for human rights and the rule of law. Within this context, the parties to the Western Saharan conflict, as well as the neighbouring States, experienced important political developments of their own, with potential but uncertain effects on the negotiating process.

4. By the end of the two rounds of informal talks and bilateral consultations held with the parties during the period under review, they had agreed to deepen the discussion on the core issue of the future status of the territory, as well as to continue to explore discrete subjects of mutual interest, such as demining and natural resources, and had also reaffirmed, and in some cases agreed to, steps to implement prior agreements on confidence-building measures and explore new ones. However, on the core issues of the future status of Western Sahara and the means by which the self-determination of the people of Western Sahara was to occur, no progress was registered. The parties continued to adhere to what my Personal Envoy had previously characterized as "unyielding adherence to mutually exclusive positions". In short, they continued to demonstrate the political will to meet at regular intervals, but had yet to demonstrate the political will to break the stalemate.

5. The parties held the eighth round of informal talks from 19 to 21 July 2011, at the Greentree Estate on Long Island, to re-examine their two proposals and to discuss one or both of the innovative approaches or discrete subjects previously agreed upon, namely natural resources and demining. There was no breakthrough in substance, since the parties maintained their respective positions. However, agreement was reached on holding an expert-level meeting in Geneva on natural resources and to begin building a common database of existing natural resources and how they are being exploited.

6. During the eighth informal meeting, Morocco indicated that, because of its upcoming elections and the resulting formation of a new government, it would not be able to attend another round of talks or receive my Personal Envoy until January 2012. Frente Polisario indicated its readiness to meet later in 2011 but was unavailable in either December 2011 or most of January 2012 because of its periodic Congress and internal elections. My Personal Envoy therefore proposed that a new round of talks be held from 11 to 13 February 2012. However, competing demands on the heads of the delegations of both parties and the neighbouring States required a further postponement. After consultations with all concerned, a new round of informal talks was scheduled to be held from 11 to 13 March 2012 at the Greentree Estate.

7. During the hiatus between the informal meetings, my Personal Envoy visited the capitals of the member States of the Group of Friends of Western Sahara and held several bilateral meetings with the parties and the neighbouring States. From 3 to 8 November 2011, he visited Madrid, Paris and Moscow, having earlier consulted with senior officials in Washington, D.C., on 14 October 2011. He visited London on 15 December 2011 to complete the visits to the capitals. The meetings were useful, reflecting strong support of the efforts of the United Nations, continued commitment to the framework of direct negotiations set forth by the Security Council in successive resolutions and a fresh interest in moving beyond the status quo in order to find a solution.

8. In the course of his meetings, my Personal Envoy sought the support of the Group of Friends of Western Sahara for two ideas on which he had briefed the Council on 26 October 2011: consultations with and dialogue among a cross-section of Western Saharans; and consultations with a group of respected Maghreb personalities on Western Sahara. He explained that the purpose in both cases was not to replace the negotiators but to encourage discussion, new ideas and even proposals that could be put to the negotiators for their consideration. It was a way of broadening thinking on the future status of Western Sahara and of generating new ideas that might help the parties to overcome their inability to move beyond their mutually exclusive positions. The members of the Group of Friends expressed broad support for the two initiatives. Discussions with both parties on those initiatives are ongoing.

9. In the capital of each member State of the Group of Friends, my Personal Envoy also underlined that it was vital for the United Nations and the international community as a whole to have access to reliable, independent information on developments in both Western Sahara and the refugee camps in order to consider how best to promote a settlement. This could be achieved through expanded reporting by MINURSO and more frequent visits to both Western Sahara and the refugee camps by diplomats, journalists and others. There was broad agreement that more and better data was needed and that MINURSO personnel should enjoy full freedom of movement and outreach in Western Sahara and the camps and have the ability to provide independent information on significant developments, as exists in other peacekeeping operations around the world.

10. From 8 to 11 November 2011, my Personal Envoy visited Geneva to meet with United Nations agencies and to co-chair an expert-level meeting of the parties on natural resources in Western Sahara, as agreed during the eighth round of informal talks. He made it clear throughout the meeting that the discussion was merely technical and that the issue of the final status of Western Sahara should be put aside. However, the parties engaged in heated discussions and mutual accusations of a political nature, with the result that exchanges on the technical issues were limited. That said, the Moroccan experts gave detailed presentations on the status of selected resources such as fisheries, water and minerals, as well as on environmental topics such as climate change and pollution, while the Frente Polisario expert described contracts, awarded to a variety of international companies for exploration of oil and mineral resources, that were contingent upon a settlement of the Western Saharan conflict that would lead to independence.

11. The Moroccan delegation stated that Western Sahara had limited natural resources and required heavy infrastructure investments financed by the Moroccan

State to ensure its viability, particularly with regard to water services. It also affirmed that the income obtained from such exploitation benefited the local population and was sustainable. Frente Polisario strongly disagreed with both statements and posited the illegality of unsustainable exploitation of the resources of a non-self-governing territory. It also called for United Nations verification missions to ensure the sustainable exploitation of Western Sahara's natural resources. While it was clear that the parties disagreed on the current state of the natural resources and the environment in the Territory, they discussed possible next steps that could be taken on the topic during the next informal meeting, in order to attempt to build a commonly agreed database as a basis for further discussion.

12. From 11 to 13 March 2012, a new round of informal talks was held at the Greentree Estate. The parties discussed and disagreed sharply on the purpose of the negotiating process. Morocco argued that the process was meant to negotiate the details of its autonomy proposal in preparation for a referendum of confirmation. Frente Polisario countered that it was meant to open the door to all possibilities in preparation for a referendum with multiple options. Each side continued to reject the other's proposal as the basis for negotiation.

13. Two previously agreed specific subjects were discussed: on demining, the parties named focal points for further coordination and cooperation with the United Nations Mine Action Service; and on natural resources and the environment they confirmed their intention to provide the United Nations not only with focal points but also with all available information on natural resources and the state of the environment. This will permit experts from the United Nations Environment Programme (UNEP) to begin building a database as a foundation for future discussions on the state of the environment and natural resources, including possible examination of the legal aspects of current exploitation.

14. With regard to confidence-building measures, following a meeting with the Office of the United Nations High Commissioner for Refugees (UNHCR) for review of the confidence-building measures action plan held on 24 and 25 January 2012, the parties and neighbouring States welcomed UNHCR plans to lease a larger aircraft for family visits, thus greatly increasing the number of beneficiaries, and its intention to explore the possibility of arranging access to Internet cafés for separated families. They also agreed to work with UNHCR to hold two inter-Sahrawi cultural seminars, in July and October 2012, focusing, respectively, on the role of women and the significance of the tent (*al-khaima*) in Hassaniyya culture.

15. On 24 April 2012, the Security Council, of which Morocco has been a non-permanent member since 1 January 2012, unanimously adopted resolution 2044 (2012) affirming its strong support for United Nations efforts to promote a settlement of the Western Saharan conflict and extending the mandate of MINURSO until 30 April 2013. On 10 May 2012, Morocco informed me that it had a number of reservations regarding the current negotiating process. As of 30 June 2012, progress towards a settlement awaited further discussions on the way forward. As provided for in resolution 2044 (2012), my Personal Envoy will brief the Security Council in the coming months.